

## REMARKS

This is intended as a full and complete response to the Final Office Action dated February 7, 2008, having a shortened statutory period for response set to expire on May 7, 2008. Applicants request entry and consideration of the following remarks in response to the Final Office Action.

Claims 1 and 3-9, 11-18, 20-24, and 26-34 are pending in the application.

### Claim Rejections

#### 35 U.S.C. § 103(a)

Claims 1, 3-9, 11-18, 20-24, and 26-34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Su et al. (U.S. 7,078,463) in view of McCullough et al. (U.S. 6,015,854).

The Supreme Court recently rejected a formalistic and rigid application of the teaching, suggestion, or motivation test as an exclusive test in the obviousness inquiry, it nevertheless made clear that an invention “composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). The Supreme Court further stated that “it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine elements in the way the claimed new invention does.” *Id.*

Applicants respectfully argue that there is no motivation to combine the references, nor do they provide a prima facie case of obviousness. First, the references relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *See, Karsten Mfg. Corp. v. Cleveland Gulf Co.*, 242 F.3d 1376, 1385 (Fed. Cir. 2001). Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *See, Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209 (Fed. Cir. 1991).

Particularly, Applicants respectfully argue that Su discloses a resin blend that comprises three different polymers, an impact copolymer, an alpha-olefin propylene random copolymer, and a minirandom isotactic polypropylene-ethylene copolymer. The

polymers, which comprise Su, are polymers which all inherently have haze or clarity issues. (See Su at col. 5, lines 38-67 to col. 6, lines 1-34.).

Su does not disclose the use of a clarifying agent at all. The Examiner has not indicated anything within Su that would lead specifically to the use of a clarifying agent. Su discloses minimal haze values without using a clarifying agent, which is indicative of the Examples. (See Su at col. 4, line 39 and Table I). Su is able to attain these “minimal” haze values because without a clarifying agent because of the thickness of the films that Su is interested in producing. The films in Su are at a thickness of 0.5 to 0.6 mil, which is significantly thinner than the 22 mil thick sheet in which the haze values of the present claims are based upon. (See Su at col. 8, lines 57-62.) A film of 0.5 to 0.6 mil thickness is equivalent to 0.0127 millimeters to 0.01524 millimeters, which is paper thin and would have “minimal” haze values even without a clarifying agent. (See Su at col. 4, line 39 and Table I).

McCullough discloses the use of a clarifying agent with an impact copolymer, but does not disclose a blend of an impact copolymer with a random copolymer. (See McCullough, col. 1, lines 6-7.)

There is no motivation to combine Su and McCullough because Su has attained the haze values desired without the use of a clarifying agent. Therefore, there is no suggestion nor motivation to combine the references. These references merely demonstrate that elements of the invention were, independently, known in the prior art.

The presently claimed invention consists essentially of a polypropylene impact copolymer, a random copolymer, and an amount of clarifier, resulting in a blend, which when extruded into a sheet has specific claimed physical properties, particularly clarity and energy. The basic and novel characteristics of the present invention is the blend of these three components results in a particular clarity of the resin resulting from this blend. The use of an additional, inherently hazy, material would impact the overall clarity of a blend, and therefore would not be encouraged by the present claims.

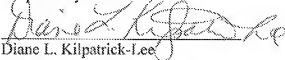
Su and McCullough neither alone nor in combination teach, show nor suggest the presently claimed invention. Therefore, Applicants respectfully request withdrawal of this rejection and allowance of the claims.

Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request the same.

Date

05/07/08

Respectfully submitted,



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